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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/979,810 11/25/97 ONO

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EXAMINER

TM02/0615

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ART UNIT

PAPER NUMBER

2165

DATE MAILED:

06/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/979,810

Applicant(s)

ONO et al.

Examiner

Forest Thompson Jr.

Art Unit

2165



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/5/01
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 29-44 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 29-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

Art Unit: 2165

DETAILED ACTION

Response to Amendment

1. This action is responsive to the amendment filed 04/05/01 (see Paper #20) which added claims 37-44. **Claims 1-14 and 29-44 are pending in this application.**
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action (see Paper No. 2), or will be included here for clarity, as necessary. The text of those sections of Title 35, U.S. Code not otherwise provided in a prior Office action will be included in this action where appropriate.
3. Applicant's amendment necessitated new rejections based on prior art previously identified and used.
4. Claims 1-14 and 29-44 have been examined.

Claim Rejections - 35 USC § 102

5. The rejections presented in Paper #18 are maintained and repeated below. Additionally, examiner's rejections for new claims 37 and 43 are presented.

Art Unit: 2165

6. Claims 30-37 and 43 are rejected under 35 U.S.C. 102(e) as being by Talati et al. (U.S. Patent No. 5,903,878).

As per claim 30, Talati discloses:

- receiving an order for a product in response to an input by a user through a communication network (col. 3 lines 4-33);
- performing order acceptance processing for said product (col. 3 lines 20-33);
- transmitting to said client trading information including a trading identifier and data on the contents of said order (col. 3 lines 20-33);
- storing said trading information and an e-mail address (col. 8 lines 62-67; col. 9 lines 1-11; fig. 12 [331, 335, 340];
- creating trading processing information including:
 - a present status of processing for processing initiated for said order (col. 11 lines 38-67; col. 12 lines 1-19);
 - a present status of processing for delivery (col. 1 lines 55-67; col. 6 lines 25-43; col. 11 lines 60-67; col. 12 lines 1-19);
 - a present status of processing for payment processing (col. 6 lines 1-24; col. 7 lines 25-63); and
 - a trading identifier (col. 3 lines 4-19; col. 6 lines 1-32; col. 7 lines 25-63);
- obtaining an e-mail address of a client (col. 8 lines 62-67; col. 9 lines 1-11);
- transmitting said trading processing information to said client (col. 3 lines 20-33); and

Art Unit: 2165

- managing the present status of processing until the order processing, the delivery and the payment processing are completed (col. 5 lines 50-67; col. 6 lines 1-60).

As per claim 31, **Talati** discloses repeating until an end of said trading:

- creating said trading processing information (col. 11 lines 38-67; col. 12 lines 1-19; col. 6 lines 25-43; col. 6 lines 1-32);
- obtaining said e-mail address (col. 8 lines 62-67; col. 9 lines 1-11); and
- transmitting said trading processing information until an end of said trading (col. 3 lines 20-33).

As per claim 32, **Talati** discloses:

- based on a trading identifier, searching for the present status of processing to create trading processing information (col. 10 lines 41-67; col. 11 lines 37); and
- transmitting said trading processing information to said client (col. 3 lines 20-33).

Claim 33 is written as a server and contains the same limitations as claim 30; therefore, the same rejection is applied.

Claim 34 is written as a storage medium and contains the same limitations as claim 32; therefore, the same rejection is applied.

Art Unit: 2165

Claim 35 is written as a server and contains the same limitations as claim 30; therefore, the same rejection is applied.

As per claim 36, **Talati** discloses a storage medium comprising storage components having a code sequence for:

- receiving an order (col. 11 lines 60-67; col. 12 lines 1-19);
- performing order acceptance processing (col. 11 lines 60-67; col. 12 lines 1-19);
- transmitting to said client trading information (col. 3 lines 20-33);
- transmitting to said client a present status of processing (col. 11 lines 60-67; col. 12 lines 1-19);
- transmitting a request for delivery of said product to a delivery managing server (col. 6 lines 40-56); and
- transmitting a request for payment processing for said trading to a payment managing server (col. 6 lines 1-24).

Claim 37 is written as a server and contains the same limitations as claim 30; therefore, the same rejection is applied.

Claim 43 is written as a server and contains the same limitations as claim 30; therefore, the same rejection is applied.

Art Unit: 2165

Claim Rejections - 35 USC § 103

7. The rejections presented in Paper #18 are maintained and repeated below. Additionally, examiner's rejections for new claims 38-42, and 44 are presented.

8. Claims 1-14 and 29, 38-42, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Talati et al.** (U.S. Patent No. 5,903,878) hereafter referred to as **Talati**, and further in view of **Wiecha** (U.S. Patent No. 5,870,717).•

9. As per claim 1, **Talati** discloses:

- transmitting an order for a product in response to an input by a user to said server through a communication network (col. 3 lines 4-21);
- receiving trading information including:
 - an e-mail address (col. 8 lines 62-67; col. 9 lines 1-11);
 - a trading identifier associated with said order (col. 8 lines 29-33);
 - data on the contents of said order (col. 3 lines 12-19); and
 - storing said trading information when said e-mail address coincides with an address of said server to which said order was transmitted (fig. 12 [331, 335, 340]);
- receiving from said communication network trading processing information including:
 - an e-mail address (col. 9 lines 45-59);

Art Unit: 2165

- a present status of processing for processing initiated for said order (col. 11 lines 38-67; col. 12 lines 1-19);
- a present status of processing for delivery of said product corresponding to said order (col. 1 lines 55-67; col. 6 lines 25-43; col. 11 lines 60-67; col. 12 lines 1-19);
- a present status of processing for payment processing for said trading (col. 6 lines 1-24; col. 7 lines 25-63); and
- the trading identifier (col. 3 lines 4-19; col. 6 lines 1-32; col. 7 lines 25-63); and
- comparing said trading identifier and said e-mail address included in said trading information with said trading identifier included in said trading processing information (col. 3 lines 20-48).

Talati does not specifically disclose adding said trading processing information to said trading information stored in said storage device if they are coincident. Official Notice is taken that it was old and well known that data could be added to a database or modified in a database as necessary by the user. Also, **Wiecha** discloses adding said trading processing information to said trading information stored in said storage device if they are coincident (col. 9 lines 1-11). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine **Talati** and **Wiecha** with old and well known art to disclose adding said trading processing information to said trading information stored in said storage device if they are coincident, because this provided additional functionality to the database.

Art Unit: 2165

As per claim 2, **Talati** discloses comparing said data on the contents of said order included in said trading information with:

- said present status of processing (col. 2 lines 51-55; col. 4 lines 66-67; col. 5 lines 1-67; col. 6 lines 1-43);
- said present status of processing for delivery (col. 2 lines 51-55; col. 4 lines 66-67; col. 5 lines 1-67; col. 6 lines 1-43); and
- said present status of processing for the payment processing (col. 2 lines 51-55; col. 4 lines 66-67; col. 5 lines 1-67; col. 6 lines 1-43); and
- outputting a warning message (col. 3 lines 49-54).

As per claim 3, **Talati** discloses:

- sending to said server a transmission request for trading processing information including the trading identifier (col. 3 lines 3-19).

As per claim 4, **Talati** discloses transmitting:

- a time at which said trading processing information is to be received (col. 10 lines 16-29);
and
- a request for said processing information (col. 10 lines 16-29).

Art Unit: 2165

As per claim 5, **Talati** does not specifically disclose said present status of processing includes a delivery completed date for the product; a scheduled delivery date for said product; nor a payment completed date or scheduled payment date. Official Notice is taken that a present status of processing for purchase and delivery of products purchased by buyers is normally provided upon request of the buyer and may include any or all of includes a delivery completed date for the product; a scheduled delivery date for said product; and a payment completed date or scheduled payment date. Buyers typically ask the status of their orders and when delivery will be completed. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine **Talati** and **Wiecha** with old and well known art to disclose said present status of processing includes a delivery completed date for the product; a scheduled delivery date for said product; nor a payment completed date or scheduled payment date, because this provides information that sellers and buyers want pertaining to purchases.

As per claim 6, **Talati** does not specifically disclose displaying trading for which delivery has been completed separately from trading for which delivery has not been completed; nor displaying trading which have been settled separately from trading which have not been settled. However, Official Notice is taken that it was old and well known in the art at the time the invention was made that information in a database may be displayed as required or desired by a buyer or user. Information in a database may be manipulated as desired by the database user. Therefore, it would have been obvious to one skilled in the art at the time the invention was

Art Unit: 2165

made to combine old and well known art with **Talati** and **Wiecha** to disclose displaying trading for which delivery has been completed separately from trading for which delivery has not been completed, and displaying trading which have been settled separately from trading which have not been settled, because this provides information that seller and buyers want pertaining to purchases.

As per claim 7, **Talati** does not disclose calculating a total amount of money for products which have not been settled; nor displaying the calculated total amount of money. However, Official Notice is taken that *calculating a total amount of money for products which have not been settled* and *displaying the calculated total amount of money* was old and well known in the art at the time the invention was made. These are typical functions associated with merchant billing practices in merchant locations and at Internet merchant sites. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine old and well known art with **Talati** and **Wiecha** to disclose calculating a total amount of money for products which have not been settled, and displaying the calculated total amount of money, because this supports seller functions for making sales.

As per claim 8, **Talati** discloses:

- comparing said total amount of money with a predetermined limit amount (col. 5 lines 12-14); and

Art Unit: 2165

- outputting a warning if said total amount of money for the products which have not been settled exceeds aid limit amount (col. 5 lines 15-33).

As per claim 9, **Talati** does not specifically disclose inputting information on a product to be returned nor transmitting said information to said server. Official Notice is taken that inputting information and transmitting information were old and well known in the art at the time the invention was made. Additionally, Talati discloses transmitting information by a client in connection with a transaction. Also, Official Notice is taken that it would have been obvious to one skilled in the art at the time the transaction was made to provide a capability for the return of defective or unwanted merchandise as this is a common problem in most merchandising systems and retail systems. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine old and well known art with **Talati** and **Wiecha** to disclose inputting information on a product to be returned and transmitting said information to said server, because this provides desired customer service functions to the system.

As per claim 10, **Talati** does not specifically disclose displaying said trading information to select a portion of information; creating new order information by modifying said selected information; nor transmitting said new order information to said server. However, Official Notice is taken that it was old and well known in the art at the time the invention was made that computer systems included operating system software that facilitated cut and paste operations

Art Unit: 2165

with data to copy or transfer data between applications and /or files or documents. Additionally, Official Notice is taken that it was old and well known in the art at the time the invention was made that users could create new documents by editing old files/documents, making changes, and saving the revised file/document as a new file, such as a new order. It would have been obvious to one skilled in the art at the time the invention was made to combine old and well known art with **Talati** and **Wiecha** to disclose displaying said trading information to select a portion of information; creating new order information by modifying said selected information; nor transmitting said new order information to said server, because this facilitates users generating new orders from stored files of previous orders.

As per claim 11, **Talati** discloses:

- said server includes:
 - a shopping server (col. 4 lines 63-65);
 - a payment managing server (col. 4 lines 63-65); and
 - a delivery managing server (col. 4 lines 63-65);
- receiving said present status of processing for the processing for said order from said shopping server (col. 6 lines 1-24);
- receiving said present status of processing for said payment processing for trading from said payment managing server (col. 6 lines 1-43);

Art Unit: 2165

- receiving said present status of processing for the processing for said delivery from said delivery managing server (col. 6 lines 1-60);

As per claim 12, **Talati** discloses sending to said shopping server a transmission request for order processing information including a trading identifier (col. 6 lines 1-60).

As per claim 13, **Talati** discloses sending to said payment managing server a transmission request for payment managing processing information including the trading identifier (col. 6 lines 1-60).

As per claim 14, **Talati** discloses sending to said delivery managing server a transmission request for delivery managing processing information including the trading identifier (col. 6 lines 1-60).

As per claim 29, **Talati** discloses repeating:

- said step of receiving trading processing information (col. 3 lines 20-48); and
- said step of comparing (col. 3 lines 20-48).

Claim 38 is written as a client and contains the same limitations as claim 2; therefore, the same rejection is applied.

Art Unit: 2165

Claim 39 is written as a client and contains the same limitations as claim 3; therefore, the same rejection is applied.

Claim 40 is written as a client and contains the same limitations as claim 4; therefore, the same rejection is applied.

Claim 41 is written as a client and contains the same limitations as claim 11; therefore, the same rejection is applied.

As per claim 42, **Talati** nor **Wiecha** do not disclose a reordering device. **Talati** does disclose storing said trading information and an e-mail address (col. 8 lines 62-67; col. 9 lines 1-11; fig. 12 [331, 335, 340]). Official notice is taken that it was old and well known in the art at the time the invention was made that data in a database could be used more than once (i.e., reused) in output reports (e.g., purchase orders) generated from the database, and that reports could be generated using the same data (duplicated) or a combination of the same data and additional data from the database. This is one reason that databases are used. Also, Official Notice is taken that it was old and well known in the art at the time the invention was made that many businesses generate and process orders for goods and services that are repeated over time. Businesses maintain stock levels in their inventory, and re-order periodically to replenish depleted stock levels or replace exhausted stock or renew performance agreements. It would

Art Unit: 2165

have been obvious to one skilled in the art at the time the invention was made to combine the disclosures of **Talati** and **Wiecha** to disclose a reordering device, because businesses must maintain stock levels or renew performance agreements in order to stay in business, and reordering goods based on prior orders in combination with goods usage (or sales) simplifies the reorder process.

Claim 44 is written as a client and contains the same limitations as claim 2; therefore, the same rejection is applied.

Response to Arguments

10. Applicant's arguments filed 04/05/01 have been fully considered but they are not persuasive.

Applicant argues in Amendment E (see Paper #20) at pg. 7 and the first paragraph of pg. 8 that *Talati does not suggest to one having ordinary skill in the art of providing a client with present status of processing of trading as in the present invention, and ... the reference does not disclose the communication of trading processing information such as present status of processing for delivery of a product.* Examiner disagrees. At col. 12 lines 5-8, **Talati et al.** discloses *The TA 60 upon receipt of a positive or negative validation of the transaction with the associated UTID notifies the recipient of a positive status at 450.*

Applicant argues at pg. 8 in para. 2-3 and pg. 9 that *Weicha does not overcome the deficiencies of the Talati reference.* Applicant further argues in last paragraph on pg. 8 that *As an*

Art Unit: 2165

additional step, the trading identifier is compared with the e-mail address included in the trading information and a warning is output if they are not coincident. If they are coincident, then the trading processing information is added to the trading information stored in a storage device. This aspect of the claimed combination of claim 1 is not suggested by the Talati reference in view of Wiecha. Therefore, claims 1-14 and 29 are patentable over the Talati and Wiecha combination. Examiner disagrees. Wiecha discloses Purchaser can update status of PO manually after receiving acknowledgments, status updates, etc. from vendors via fax, phone, or mail ... Changes to the PO can then be saved to the DB2/2 database on the Purchasing Server (col. 9 lines 60-64). Wiecha also discloses Product Clip Board; select items on Product Listing for adding to clipboard; add item on Product Page to clipboard; delete an item in the clipboard; change the quantity of an item in the clipboard; clear the clipboard to remove ALL items; save the clipboard (to a file); submit the clipboard (as a purchase request); show the items on the clipboard; and view clipboards (i.e. saved clipboard files); and Purchase Request Generation Select the recipient of the purchased items from a list (col. 9 lines 1-12). Examiner asserts that this provides the functionality portrayed in applicant's claim.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2165

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson whose telephone number is (703) 306-5449. The examiner can normally be reached Monday-Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

June 7, 2001 /FOT


VINCENT MILLIN
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